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U.S. files complaint against Tuba City gas station owners and operators for underground tank violations on Navajo Nation

SAN FRANCISCO -- The U.S. Attorney in Phoenix today filed a complaint on behalf of the U.S. Environmental Protection Agency against owners and operators of a Tuba City gas station on the Navajo Nation for underground storage tank violations.

John B. Knight Jr. and Robert D. Brown, along with National Petroleum Marketing, Inc., Sunwest Express, Inc. and Navajo Trails, Inc.-- owners and operators of the SuperFuels gas station now operated by Tuba City Express-- were named in the complaint.

"This is the same facility where there have been ongoing contamination problems, yet these companies and individuals continued to operate the tanks and facility improperly," said Wayne Nastri, the EPA's regional administrator for the Pacific Southwest region. "The EPA takes these violations in Indian country seriously and we will aggressively pursue this action in federal district court."

"The United States Attorney's Office is committed to pursuing these claims in Indian Country to preserve the underground water resources of the Tribes," said Paul Charlton, United States Attorney for the District of Arizona.

The complaint alleges that the defendants:

- failed to test adequately for corrosion;
- failed to perform appropriate leak detection on the underground storage tanks;
- failed to report and investigate suspected releases;
- failed to provide information when requested; and
- failed to maintain financial assurances for potential cleanup costs and damages

EPA, Hopi Environmental Protection Office and Navajo Nation EPA inspectors discovered the violations during an inspection in November 1999. The complaint seeks the maximum penalty for the violations -- \$11,000 per day per tank per violation.

Compliance with federal underground storage tank requirements in Indian Country is critical because small releases of petroleum products can foul large amounts of underground water resources.

Petroleum contamination was first discovered in Tuba City in the mid-1980's. In 1996, the EPA ordered Thriftway Marketing Corporation, National Petroleum Marketing Inc., and Sunshine Western, Inc. to investigate underground contamination from leaking fuel tanks and pipes from the operation of the gas stations.